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COMMITTEE ON THE RIGHTS OF THE CHILD

Second session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 October 1992, at 3 p.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 3.15 p.m.

FUTURE STUDIES (agenda item 12) (continued)

1. The CHAIRMAN recalled that the Committee had discussed the need to obtain information on all the studies already carried out by United Nations bodies, universities, research institutes and non-governmental organizations. It had been suggested that the secretariat should provide a list of the studies undertaken by United Nations bodies, but it was not yet clear who would be responsible for the other lists. The Committee had also enumerated the general areas of study to be examined by members of the Committee.

2. Mrs. RAADI (Secretary of the Committee) said experience showed that information was not always provided within the time limits set. Again, the provision of studies was a continuous process and it might be best to request lists of studies on a regular basis.

3. Mrs. SANTOS PAIS said that a start could be made by sending a letter to specialized agencies and other bodies indicating the Committee's interest in the list of issues and asking for information on existing studies by the end of the year so that the Committee could discuss them at its session in January 1993. The secretariat could then organize files for human rights studies already made.

4. Mr. HAMMARBERG suggested that Committee members with a knowledge of important studies should inform the secretariat. Information could be gathered by personal contact with non-governmental organizations, research institutes and universities. The UNICEF Information and Research Institute in Florence would also be of assistance.

5. Mr. MILJETEIG-OLSSEN (United Nations Children's Fund) said that the UNICEF Information and Research Institute in Florence had started an overview of studies on children's rights on a database. Although limited to the topics covered by the Centre's projects, it might be useful to the Committee.

6. Mrs. EUFEMIO suggested that further sources lie in the contacts of the Special Rapporteur on the sale of children and in the bibliographies of studies that would be submitted to the Committee.

7. Mr. GOMES DA COSTA pointed out that the Defence for Children International Movement had a documentation centre with more than 5,000 works on children's rights. Other non-governmental organizations, including Amnesty International and the International Catholic Child Bureau, had similar documentation centres and should be contacted.

8. The CHAIRMAN said that the suggestions of Mr. Hammarberg, Mrs. Eufemio and the representative of UNICEF would be taken into account. It was to be hoped that a preliminary list of studies from United Nations bodies, non-governmental organizations and universities and research institutes would be available by January 1993. The Centre for Human Rights would draw up the list.

OTHER MATTERS (agenda item 14) (continued)

Special topics for discussion at future sessions of the Committee

9. Mgr. BAMBAREN GASTELUMENDI asked whether the Committee intended to set aside a day for discussion of a special topic at each of its sessions.

10. Mrs. BELEMBAOGO suggested that there should be only one special discussion day a year, preferably at the September session, in order to give participants time to prepare their presentations to the Committee. That would leave the January session free for consideration of country reports.

11. In reply to a question from Mr. KOLOSOV about the procedure followed in other treaty monitoring bodies, Mrs. KLEIN-BIDMON (Representative of the Secretary-General said that the only body to hold such a special discussion was the Committee on Economic, Social and Cultural Rights, which usually met only once a year.

12. Mrs. SANTOS PAIS agreed that it was essential to give participants the necessary time to prepare their statements, which had not been possible at the present session. Members of the Committee with a particular interest in the subject chosen should be designated to lead the discussion.

13. Mr. KOLOSOV suggested that the topic for 1993 should be chosen at the present session, so as to give ample time for preparation.

14. Mrs. BELAMBAOGO said that the best approach would be to discuss a special aspect of a wider subject, say child labour.

15. Mr. HAMMARBERG said he agreed with Mrs. Belambaogo. If the topic was child labour, the Committee could perhaps focus on bonded labour or domestic service.

16. Mrs. EUFEMIO said that the information obtained in the thematic discussion would supplement the information the Committee would need for each article of the Convention. She suggested child labour as a topic. In discussing it, the Committee might have to refer to article 32 and focus on what was meant by economic exploitation and hazardous work. ILO might be able to provide more information and it would be necessary to designate a member of the Committee to be responsible for the topic, unless it already fell within the mandate of the Special Rapporteur on the sale of children.

17. Mr. MUNTARBHORN (Special Rapporteur on the sale of children, Commission on Human Rights) said that his mandate, as he interpreted it, covered child labour and the economic exploitation of children. ILO had already done a great deal of work on the subject and he would simply try to supplement it by looking at new situations, taking into account variations in local conditions.

18. Mr. GOMES DA COSTA said that it was more important for the Committee to have a general overview of a given field than to make a more thorough analysis of specific issues. The studies to be made would provide more detailed

information on specific topics. The general discussion on children in armed conflicts had been very positive. If only one aspect of that subject had been taken up, others would have been ignored and the result would not have been so beneficial.

19. Mr. KOLOSOV pointed out that the Committee had decided to organize thematic discussions in order to arrive at a better understanding of the various articles of the Convention, to obtain information that might be useful in preparing questions to be put to States parties, and possibly to formulate specific recommendations. In view of those considerations, he was inclined to agree with Mr. Gomes da Costa. If general discussions were on concrete but limited topics, they might not be helpful when the Committee came to formulate the questions to be put to States parties. For instance, the issue of domestic labour might be important for the reports of only a few States parties, whereas a broader discussion would be relevant to nearly every report and would not preclude the Committee from making specific recommendations.

20. Mrs. EUFEMIO said that, in view of the comments by Mr. Gomes da Costa and Mr. Kolosov, she now considered that the topic should be not only child labour but also the economic exploitation of children. She realized that there would doubtless be gaps in the information available on it.

21. Mrs. SANTOS PAIS said that a general discussion afforded an opportunity to increase the Committee's awareness of the multidisciplinary aspects of a topic and thus enabled it to adopt a holistic approach. So many other bodies could help, as shown by the impressive general discussion at the present session on children in armed conflicts. If, however, the discussion was too broad, the Committee might lose sight of what it was really looking for and it would not be able to reach adequate conclusions. The economic exploitation of children might be too broad a topic, since it included a range of subjects such as hazardous work, prostitution, the sale of children, forced labour and debt bondage. ILO should be able to provide considerable information.

22. Mr. KOLOSOV observed that a general discussion lasting only one day was not sufficient for the Committee to come to any specific conclusions. New conclusions could be reached only after the Committee had examined country reports.

23. Mrs. EUFEMIO said that, in view of the linkage between the different articles of the Convention, she was not worried by the fact that the adoption of a broad perspective made it difficult to have specific case studies. The goal always was to arrive at a better understanding of the situation. The economic exploitation of children was a suitable topic for general discussion. The Committee would have to ascertain exactly what was meant by it and develop ways of assessing the extent to which it was found in individual States parties.

24. The CHAIRMAN, noting that a number of issues still had to be settled, suggested that the meeting should be suspended to allow for consultations to be held in small groups.

25. It was so decided.

The meeting was suspended at 4.15 p.m. and resumed at 5.25 p.m.

26. The CHAIRMAN invited a member of the Group which had been considering urgent situations to report on the outcome of its discussions.

27. Mrs. SANTOS PAIS said that such things as trafficking in children had harmful effects on present and future generations. By their very nature, they often involved different countries or different regions. Certain major problems, like drug trafficking could only be tackled effectively at the international level. The Group therefore considered that the Committee should seek ways of making States parties more aware of the realities of urgent situations and urge them to take prompt action to prevent any deterioration and to help to eradicate the causes. International cooperation and cooperation with other competent international bodies, such as Interpol, in the case of child trafficking, would be essential.

28. The CHAIRMAN suggested that those considerations might be incorporated into the revised version of the paper circulated at the previous meeting.

29. It was so decided.

30. The CHAIRMAN invited a member of the Group which had been considering topics for a one-day discussion to report on its conclusions.

31. Mr. MOMBESHORA said that the Group had decided on the broad theme of "Economic exploitation of children". It would cover the exploitation of children through child labour both in terms of formal employment, where ILO labour laws and national legislation were violated, thus tackling the legal aspect of child protection, and in terms of informal employment, where children did not even have the protection of a formal contract. The theme would also encompass other forms of exploitation, such as sexual exploitation and the use of children to commit crimes.

32. Mgr. BAMBAREN GASTELUMENDI said that the subject was similar to his suggested theme of children in poverty. The effects of increasing poverty affected children's economic and social rights, their civil rights and their lives. The two themes were in fact complementary and might therefore be taken together.

33. Mr. MOMBESHORA said that he had no objection to that suggestion.

34. Mr. HAMMARBERG said he agreed it was advisable to discuss a wide-ranging theme to start with, so that the subject could be probed more deeply later on. However, the Committee seemed to be tackling two different levels at once, namely the causes and the effects. It might be preferable not to define the causes but to get to the causes by analysing the effects. The Convention, particularly article 32 and related articles, might make a suitable point of departure.

35. The CHAIRMAN said she endorsed that suggestion. It would lead to a greater understanding of the problem and would also help in the formulation of questions for States parties, which had to be based on the articles of the Convention.

36. Mrs. SANTOS PAIS said that, in actual fact, the theme of economic exploitation went beyond article 32 because economic exploitation included such

practices as the use of children in drug trafficking, child prostitution and child pornography. If, therefore, contrary to the Committee's earlier thinking certain articles of the Convention were to be mentioned to provide a framework for the discussion, articles 2, 3 and 4 would also be useful, as they were all related to article 32. It might also be advantageous for some members to be asked to cover certain aspects of the question, in order to provide some direction. However, if the discussion took place at the session in September 1993, the Committee's membership might well have changed by then.

37. Mrs. EUFEMIO suggested that parental responsibility, covered by article 18, might be included in connection with the economic exploitation of children.

38. Miss MASON said that, as the Committee had seen in its discussion on children in armed conflicts, it was almost impossible to keep to any one article because the articles were all interrelated. The Committee should therefore not try to be too specific or to restrict itself in that way.

39. Mr. KOLOSOV expressed concern that, in discussing the economic exploitation of children in conjunction with the theme of extreme poverty, the question might arise as to what was in the best interests of a child, whether the child should die from hunger and not be exploited, or be exploited and remain alive.

40. Mgr. BAMBAREN GASTELUMENDI observed that the problem did not have to be seen in terms of death versus exploitation. In conditions of extreme exploitation, there were many ways of humanizing children, to use the ILO term, and of making their situation more humane. Children in extreme situations tended to look for their own solutions by creating jobs for themselves, and efforts were needed to make their labour more humane.

41. The CHAIRMAN said that the Committee appeared to agree that the topic should be "Economic exploitation of children" and that relevant articles of the Convention should be brought up in the discussion. It might also be useful, as Mrs. Santos Pais had suggested, to assign a member of the Committee to lead the discussion and make informal contacts with non-governmental organizations and specialized agencies able to contribute to the discussion. A little more time would therefore be needed to decide on certain issues.

The meeting rose at 6 p.m.